

DETAILED ACTION

Claims 30-55 and 59 are pending in the application.

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

Group 1. Claims 30-49 and 59, drawn to a compound of formula I and the process of making the same, classified in class 554, subclass 84+.

Group 2. Claims 50-53, drawn to a composition of the compound of formula I, classified in class 424, subclass 450+.

Group 3. Claims 54 and 55, drawn to a method of capturing a molecule, classified in class 514, subclass 44+.

The inventions of Groups 1-3 are independent and patentably distinct because there is no patentable co-action among the three groups and a reference anticipating one member will not render the other obvious. Groups 1 directed to a compound of formula I and the process of making the same, Group 2 is directed to a composition while Group 3 is a method of capturing a molecule. These three groups are different inventions and require different search strategies.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, a search of the three groups designated above would impose an undue burden upon the examiner, and restriction for examination purposes as indicated is therefore proper.

During a telephone conversation with Sheridan Neimark on 4/30/2008, a provisional election was made with traverse to prosecute the invention of Group 1. Applicants are reminded of their right to file divisional applications to the non-elected claims.

Applicants' are reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Priority

Applicants' claim for domestic priority under 35 U.S.C. 119(e) is acknowledged.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 36, 40 and 41-49 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 36 is indefinite because the claims recite "new compound". The metes and bounds of the claims are unclear. Correction is required.

Claims 40 and 49 are rejected because the claims recite figures that are not in the claims. Correction is required.

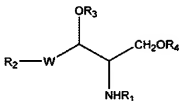
Claim 41-49 is indefinite because the claims recite "activating agent". The metes and bounds of the claims are unclear. Correction is required.

Allowed Claims

Claim 30-35 and 37-39 are allowable over the prior art of record.

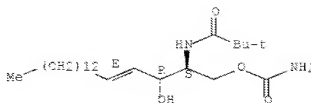
Reason For Allowance

The following is an examiner's statement of reasons for allowance: A search of the prior art failed to uncover any reference that anticipates or renders obvious a compound of the general formula 1 as claimed by applicants.



Formula 1

The closest prior art is Kobori et al., {WO 2001038295}. Kobori et al. disclose the compound shown below. Also, see compounds in the Abstract. Kobori et al. compounds differ from Applicants claimed compound in that applicants claim a compound wherein the variable R₃ is an amide group or a heterocyclic ring while Kobori et al. disclosed compounds substituted with OH group. These are different compounds, and the difference is not readily apparent and would not have been suggested to one of ordinary skill.



Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chukwuma O. Nwaonicha whose telephone number is 571-272-2908. The examiner can normally be reached on Monday thru Friday, 8:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yvonne (Bonnie) Eyler can be reached on 571-272-0871. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Chukwuma O. Nwaonicha/
Examiner, Art Unit 1621

(for)

/Sikarl A. Witherspoon/
Primary Examiner, Art Unit 1621

Art Unit: 1621

Yvonne (Bonnie) Eyler
Supervisory Patent Examiner,
Technology Center 1600